



PATENT
ATTORNEY DOCKET NO.: 041514-5128

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Takehiko SHIODA et al.)
Application No.: 09/892,791) Group Art Unit: Unassigned
Filed: June 28, 2001) Examiner: Unassigned
For: STORAGE MEDIUM, APPARATUS FOR)
CREATING RECORDATION DATA)
THEREFOR AND APPARATUS FOR)
RESTORING RECORDED DATA)

Commissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed August 20, 2001.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

2. Declaration Or Oath

- No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney
- The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

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3. English Translation of Non-English Language Papers

- Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

4. Small Entity Status

- Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

5. Fee Calculation

| Basic Fee: | | | | |
|--|--------------|--------------|----------------|------------------|
| Patent Application-\$740.00 | | | | 740.00 |
| Design Application-\$330.00 | | | | |
| | Number Filed | Number Extra | at a Rate of | |
| Total Claims | 32 - 20 = | 12 | \$ 18.00 each= | 216.00 |
| Independent Claims | 3 - 3 = | 0 | \$ 84.00 each= | |
| Multiple dependent claim(s), if any | | | \$280.00 | 280.00 |
| Missing Parts Surcharge Fee | | | \$130.00 | 130.00 |
| SUB-TOTAL = | | | | 1366.00 |
| Reduction by 1/2 for filing by a small entity | | | | |
| SUB-TOTAL = | | | | 1366.00 |
| Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d)) | | | | \$130.00 |
| Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d)) | | | | \$130.00 |
| TOTAL FILING FEE = | | | | \$1366.00 |

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6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

| Total months requested | Fee for extension | [fee for Small Entity] |
|---------------------------------------|-------------------|------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 400.00 | \$200.00 |
| <input type="checkbox"/> three months | \$ 920.00 | \$460.00 |
| <input type="checkbox"/> four months | \$1,440.00 | \$720.00 |
| <input type="checkbox"/> five months | \$1,960.00 | \$980.00 |

Extension of time fee due with this request: \$

If an additional extension of time is required, please consider this a Petition therefor.

- Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is: Completion Fees \$1366.00
Extension Fees \$

Total Fee Due \$1366.00

- Enclosed are two checks in the amounts of \$1396.00 and \$10.00 = \$1406.00 representing the total fee due and the assignment recordation fee.
- Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

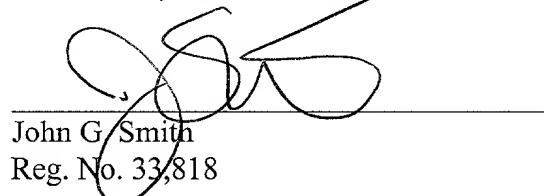
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8. Additional papers enclosed.

- Preliminary Amendment
- Information Disclosure Statement
- Form PTO-1449
- Claim for Priority
- Certified copy of Japanese Application No. 2000-195024 filed June 28, 2000
- Formal Drawings – 34 sheets containing 44 figures
- Citations
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP


John G. Smith
Reg. No. 33,818

Date: October 10, 2001

CUSTOMER NO. 09629

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UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/892,791 | 06/28/2001 | Takehiko Shiota | 041514-5128 |

009629
MORGAN, LEWIS & BOCKIUS
1800 M STREET NW
WASHINGTON, DC 20036-5869



CONFIRMATION NO. 9634

FORMALITIES LETTER



OC000000006449006

Date Mailed: 08/20/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/11/2001 BSAYASII 00000009 09892791

FILED UNDER 37 CFR 1.53(b)

| | |
|-----------|-----------|
| 01 FC:101 | 740.00 OP |
| 02 FC:103 | 216.00 OP |
| 03 FC:104 | 280.00 OP |
| 04 FC:105 | 130.00 OP |

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$486.
 - \$216 for 12 total claims over 20.
 - \$270 for multiple dependent claim surcharge.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1326.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

BB
Customer Service Center
Initial Patent Examination Division (703) 308-1202

*A copy of this notice **MUST** be returned with the reply.*

PART 2 - COPY TO BE RETURNED WITH RESPONSE